

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
DEC 22 2009

DAVID J. WILKINS, CLERK
BY
DEPUTY

JACQUELINE A. WOODS

Plaintiff,

v.

NORTH TEXAS NISSAN LP, ET AL.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

Case No. 4:09cv217

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

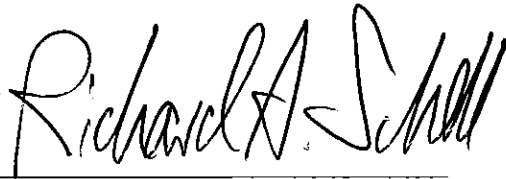
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On November 13, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Orr ~~Motes~~ ^{Motors} of Corinth, Inc.'s Motion for Dismissal (Dkt. 26) and Defendant Wells Fargo Bank, N.A.'s Motion to Dismiss (Dkt. 28) be GRANTED in part, that Defendant Orr ~~Motes~~ ^{Motors} of Corinth, Inc.'s Motion to Dismiss Under Rule 12(b) (Dkt. 9) for failure to state a claim and Defendant Wells Fargo Bank, N.A.'s Motion for Summary Judgment (Dkt. 20) be DENIED as MOOT, and that this matter be dismissed without prejudice for want of jurisdiction.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant Orr ~~Motes~~ ^{Motors} of Corinth, Inc.'s Motion for Dismissal (Dkt. 26) and Defendant Wells Fargo Bank, N.A.'s Motion to Dismiss (Dkt. 28) are GRANTED in part,

~~Motors~~
Defendant Orr Motors of Corinth, Inc.'s Motion to Dismiss Under Rule 12(b) (Dkt. 9) for failure to state a claim and Defendant Wells Fargo Bank, N.A.'s Motion for Summary Judgment (Dkt. 20) are DENIED as MOOT, and this matter is dismissed without prejudice for want of jurisdiction.

IT IS SO ORDERED.

SIGNED this 21st day of December, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE